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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/572,844

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Fabien M.J. Guillorit

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

FEATHERSTONE, MARK D

ART UNIT

PAPER NUMBER

2423

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,844	<b>Applicant(s)</b> GUILLORIT, FABIEN M.J.	
	<b>Examiner</b> MARK D. FEATHERSTONE	<b>Art Unit</b> 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Response to amendment filed 8/25/2008. Claims 1, 3-13, 15, and 17-18 have been amended. Claims 2, 14, and 16 have been canceled. Claims 1, 3-13, 15, and 17-18 are pending.

### ***Response to Arguments***

Examiner acknowledges applicant's amendments to claims 1-13 with respect to previous 35 U.S.C. 101 rejection. The claims now recite statutory subject matter and this rejection is withdrawn.

Applicant's arguments filed 8/25/2008 have been fully considered but they are not persuasive. With respect to independent claims 1, 15, 17, and 18, applicant argues Ellis does not teach "wherein said channel list is provided in response to accessing said electronic program guide, and both said channel list and said program list are provided in response to accessing said programs list". Applicant states that this limitation is not disclosed because in order to access the button to display the channel list, the EPG must already have been displayed, and the user must first press the "MENU" button, select the program bar 61 in Fig. 6, and then select the channel and the I button (Fig. 18) in order to get the screen shown in Fig. 20. Examiner respectfully disagrees with this interpretation of Ellis. When using the system of Ellis, the user first displays the MENU of Figure 6. The user then selects the bar 61 which enables the user to select a particular icon (column 16, lines 29-39). The channel listing is then invoked by

pressing the triangular icon 65C. This presents the user with the channel listing of Figure 20. Applicant argues that the user must "select the channel and the I button (Fig. 18)" to display the channel list. The I button of figure 18 is used to view additional program information about a particular listing, and does not invoke the screen of figure 20. The electronic program guide that lists the available channels is invoked by the 65C button of Figure 6, as described in column 18, lines 7-10. The limitation of claim 1 states "wherein said channel list is provided in response to accessing said electronic program guide". This is met by Ellis in that when the user presses icon 65C, the EPG appears as in Figure 20 with a list of channels (202a-c). The claim limitation "both said channel list and said program list are provided in response to accessing said programs list" is met by Ellis in that the channel list (202a-c) and program list (corresponding to the listed programs of Figure 20 on the lower portion of the screen) are provided in response to accessing said programs list by pressing button 65C. Therefore, the cited portions of Ellis do anticipate applicant's claim language, and the rejection mailed 04/29/2008 stands.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis, US Patent # 6357043.

With regard to claim 1, Ellis discloses:

A device configured to receive an electronic program guide, said electronic program guide comprising:

A channel list of available channels (Figure 20, items 20A, 20B, 20C; and column 18, lines 14-17); and

A program list of programs which is displayed concurrently with said channel list in response to selection of a selected channel from said available channels, said programs being exclusively associated with said selected channel (Figure 20 and column 18, lines 17-19) wherein said channel list is provided in response to accessing said electronic program guide, and both said channel list and said program list are provided in response to accessing said program list (column 18, lines 7-10; Ellis discloses a button in the EPG that the user can press to access the channel list)

With regard to claim 3, Ellis discloses:

The device as claimed in claim 1, wherein said program list includes times associated with said programs and/or an identifier (Figure 20; Program start times are displayed), said identifier including a current time and or said selected channel (column 18, lines 19-20; Ellis describes a highlighted channel, which channel listings are displayed for)

With regard to claim 4, Ellis discloses:

The device as claimed in claim 1, further comprising an information list which is displayed concurrently with said channel list and said program list, said information list including data associated with said selected program, said data including description, rating and/or repeat indication of said selected program (Figure 20, item 203 and column 18, lines 40-50; Ellis describes an "i" icon, which is shown concurrently with the program listing, and contains information about the program such as description)

With regard to claim 5, Ellis discloses:

The device as claimed in claim 4, wherein said information list is displayed in response to selecting a selected program from said programs or in response to activation of an open switch while a cursor highlights said selected program (column 18, lines 40-50; Ellis describes, that after selecting a program from the list, the user can press the "i" button on the remote to get more information about the program)

With regard to claim 6, Ellis discloses:

The device as claimed in claim 1, wherein said program list includes a reminder switch configured to set reminders for said programs, and/or a theme switch configured to open a theme menu, said theme menu including information categorized by themes for said available channels and/or said selected channel (column 4, lines 10-12; Ellis discloses the ability to set reminders)

With regard to claim 7, Ellis discloses

The device as claimed in claim 1, wherein said device further comprises an interface for navigating through said electronic program guide, said interface including at least one of:

an open switch configured to open menus including said program list (column 13, lines 60-65; Ellis discloses depressing a “mode” switch to enter the browse mode of programming listings);

a close switch configured to close menus including said channel list and said program list; and (column 14, lines 53-55; Ellis discloses pressing the “Browse icon key” while in browse mode to exit the mode)

a help switch configured to open a help menu, said help menu including help information related to use of said guide and/or a controller of said program guide (column 12, lines 12-19; Ellis describes a help function)

With regard to claim 8, Ellis discloses:

The device as claimed in claim 7, wherein said controller is a remote controller (column 12, lines 12-19; Ellis describes using a remote controller to invoke the help feature, which would enable the user to gain information on how to use the controller to navigate the program guide)

With regard to claim 9, Ellis discloses:

The device as claimed in claim 7, wherein said controller includes a switch to access said electronic program guide, an up switch and a down switch; said up switch and said down switch being configured to respectively scroll a cursor up and down said channel list and/or said program list (column 29, lines 1-4; Ellis

discloses the ability to move through the list by pressing the up/down keys on the remote control)

With regard to claim 10, Ellis discloses:

The device as claimed in claim 9, wherein said up switch and said down switch are configured to scroll by pages (column 17, lines 39-44; Ellis describes scrolling by pages using the up/down switch on the remote control)

With regard to claim 11, Ellis discloses:

The device as claimed in claim 9, wherein said up switch and said down switch are configured to respectively move said cursor to a top or a bottom of said channel list and/or said program list and thereafter scroll by pages (column 17, lines 39-44; Ellis describes moving the cursor to the bottom of the screen and then invoking the up/down keys to scroll by pages)

With regard to claim 12, Ellis discloses:

The device as claimed in claim 9, wherein said up switch and said down switch are respectively configured to singularly move said cursor up and down entries of said channel list and/or said program list (column 29, lines 1-4; Ellis discloses the ability to move through the list by pressing the up/down keys on the remote control to arrive at a desired channel)

With regard to claim 13, Ellis discloses:

The device as claimed in claim 7, wherein said controller includes a right switch and a left switch configured to move said cursor between said channel list and said program list (column 11, lines Ellis describes the use of right/left arrow keys,



that allow the user to browse through a particular channel's programs; in column 18, lines 19-20, Ellis describes a mode wherein the listings are associated with a particular channel. The user inherently could scroll through the listings in the same way by pressing the down arrow key to move from the channel list to the program list, and using the left/right arrow keys to navigate through the programs/times associated with the selected channel)

With regard to claim 15, Ellis discloses:

A controller for controlling an on-screen display of an electronic program guide (Figures 3 & 4 and column 10, lines 61-64), and controller comprising an access switch for accessing said electronic program guide (column 13, lines 60-65; Ellis discloses a "mode" button to invoke the program guide); and navigation switches for navigation through said electronic program guide (column 14, lines 14-20; Ellis describes using the up/down keys to navigate throughout the program guide); said electronic program guide comprising:  
a channel list of available channels (Figure 20, items 20A, 20B, 20C; and column 18, lines 14-17); and a program list of programs which is displayed concurrently with said channel list in response to selection of a selected channel from said available channels, said programs being exclusively associated with said selected channel (Figure 20 and column 18, lines 17-19) wherein said channel list is provided in response to a first activation of said access switch (column 13, lines 60-65; Ellis describes a "mode" button to invoke the program guide, which contains a channel list), and both said channel list and said program list are

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provided in response to a second activation of said access switch, or in response to activation of a program switch of said controller (column 18, lines 7-10; Ellis describes a triangular icon that invokes the menu that displays programs associated with a particular channel, see also Fig. 20)

Claim 17 is the processor configured to invoke the program guide of claim 1 (column 5, lines 38-41; Ellis discloses a data processor that drives his system).

Claim 18 is analyzed and rejected accordingly as the method of system claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig, can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423